

The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna"



Photo of "RP"

CHRONICLE

On December 3 the prosecutor again dropped criminal charges against journalists of the «Volny Horad» (Free Town) independent newspaper. *Siarhei Niarowny, Vadzim Stsefanenka* and *Mikalai Matranka* were indicted on July 12. The charges were dropped on October 15 because of lack of corpus delicti. However, on October 25 the criminal proceedings against the journalists were resumed, just to be closed again in December...

On December 3 Savetski district court of Minsk heard the case of *Raman Kazakevich*. *Raman* is a member of the Young Front and was arrested for defending *Kurapaty*. The verdict was to fine *Raman* 100 000 roubles (about \$65).

On December 5 at 3:40 p.m. the police arrested a young film director *Ruslan Zgolich*, outside the «Belarusfilm» studio. *Ruslan Zgolich* was taken to the Minsk Detention Center. He was accused of stealing a film with the unfinished version of the movie «Guests», which he had been producing. The «Belarusfilm» management reported the disappearance of the film to the police. According to *Ruslan Zgolich*, the situation had become that bad because of the deadline to finish the movie. He asked for some extra time to finish the film, thinking that haste would impact the quality of the movie. However, the studio management gave him severe reprimand and warning and raised the issue of handing the film over to another director. At the end of November *Ruslan Zgolich* was not let in his own office in the studio. He had to apply to the Ministry of Culture and to the Prosecutor's office, trying to get the permission to finish his movie on his own. However, his actions led to a contrary effect.

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UNAUTHORIZED BY CENSORSHIP

«Не дозволено цензурой»



Владимир Голубев
и его команда

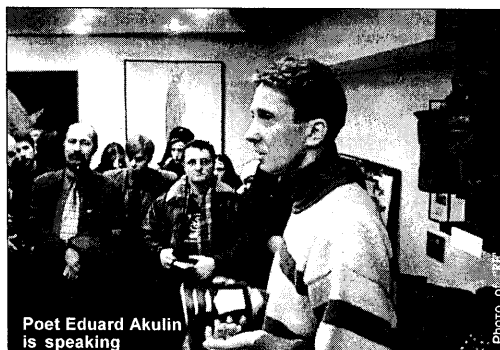
The nineties of the 20th century, especially their second half, became a *džja vu* for many Belarusian artists – returning to the recent, not yet forgotten, past. With *Lukashenka* in power, the word «censorship» obtained its original meaning. Canvases, sculptures, installations, books, newspapers – everything, which was banned by censorship between 1990 and 2001, could be seen in the Minsk art gallery «Zolata». The exhibition «Unauthorized by Censorship» was organized by the Human Rights Centre «Viasna» together with the artist *Ales Pushkin*. It was opened with a performance on December 10, the Day of the Universal Declaration of Human Rights.

The performance started at 3 p.m. on Dzimitrava Street in Minsk, near the place, where a recently destroyed building of the synagogue had been situated. *Ales Pushkin*, dressed in a black chasuble of an inquisitor, covered with chains and dried fish symbolized the inquisitor essence of censorship and its results – dried life.

(Continued on page 2)



Ales Pushkin.



Poet Eduard Akulin is speaking

Photo of "RP"

LIQUIDATE QUICKLY AND QUIETLY

THE SUPREME COURT GRANTED THE MINISTRY OF JUSTICE PETITION AND RULED TO CLOSE BELARUSIAN STUDENTS ASSOCIATION

On November 27 and 29, and December 3 the Supreme Court of the Republic of Belarus started the hearing of a suit of the Ministry of Justice against the Belarusian Students' Association. The Ministry of Justice attempts to close BSA, the only national students' organization in Belarus, and a founder of the Assembly of Democratic NGOs.

It was students who demonstrated their absolute distrust in Lukashenko during the last election, which he repeatedly declared during his TV speeches. This became one of the real reasons for closing the BSA. The Belarusian Students Association is an organization, which has officially been registered since 1992, which has branches in 40 educational establishments, which publishes a magazine and numerous local student newspapers. It is an organization, which openly opposes the obligatory employment of students after graduation, inhuman conditions of student dormitories, ungrounded fees for obsolete knowledge and oppression on any level. It is an organization,

which conducts mass actions on the streets and in universities, which works with deans and students, university libraries and canteens, which is a full and active member of ESIB (National Unions of Students in Europe). There is no way they could leave BSA at peace! What could the regime do? Liquidate quickly and quietly. But it didn't happen this way.

On November 16-18, during the European Student Convention in Brussels, the student representatives from all over Europe demonstrated their support to the Belarusian Students Association. About 30 student organizations of Europe protested against the arbitrary and undemocratic way the Belarusian government is suppressing civil society and young people in particular and guaranteed that no matter what the outcome of the court case was they would continue partnership relations with BSA. The National Students' Unions promised to inform the official bodies, the press and people in their countries about the situation with BSA and general human rights in Belarus.

Besides that, several dozens of international organizations addressed their letters of protest against the closure of BSA to the Ministry of Justice. A number of Belarusian NGOs and individuals also sent in their inquiries, asking to explain the reasons for closing BSA. The Human Rights Center «Viasna» also appealed to the international community, asking to support BSA in their fight.

A. P. Kharyton, a leading expert at the Ministry of Justice, stated that the Belarusian Students' Association hinders the work of the Ministry of Justice and distributes politically-biased published materials. Examples? The wrong color of the symbol on the organization form, 2 organization members did not know where the documents of 1999 were... A crime!

At the same time the court determined that the Ministry of Justice had sent the same, but differently dated, documents to the court and to BSA; that the national emblem on the form of the Ministry of Justice does not coincide with the emblem, sanctioned by Lukashenko; there are 2 different addresses

on 2 sides of the form; and there is a signature of the Minister's deputy beside the printed name of the Minister on the form. The Ministry of Justice is a state body which has trained and paid employees who are supposed to make sure documents are issued according to the legislation. But, as it turned out, such things do not matter if the Ministry of Justice is involved. It is students who are supposed to have ideal documentation and to make some changes behindhand because the authorities again issued new legal acts and requirements.

The officials consider a sticker with dancing and running manikins with ballot papers in their hands to be political literature. "The stickers were all around the city", — said Kharyton.

The BSA lawyers Siarhei and Zmister Zikratski were fighting off the accusations, which are absurd even according to the Belarusian legislation.

However, on December 3 Judge Mikalai Babkow granted the petition of the Ministry of Justice and ruled to close BSA. The reason — alleged violation of the Belarusian legislation. Besides that, the BSA members are accused of «political activities»: participation in the election campaign, and publishing a series of leaflets calling on the young people to come to the polls...

UNAUTHORIZED BY CENSORSHIP

(Continued from page 1)

Here, the construction fence presented the banned artworks. The art critic Siarhei Kharevski told the visitors about the history of censorship in Belarus.

At 5 p.m. the exhibition was publicly opened at the «Zolata» art gallery. In his opening speech the chairperson of «Viasna» Ales Bialatski said the organizers wanted to show the situation with human rights in Belarus

on the example of artists. The next person to take the floor was the poet Eduard Akulin, whose book «Radno» was eliminated by the officials, who considered his poems «too political». The next to speak was Valery Mazynski, the chief producer of «Volnaja Scena» theater, who had to leave it after the production of «Prince Mambuk». The artists Mikola Kupava, Aleh Karpovich, and many other famous people were

speaking at the opening of the exhibition.

Most of the exhibits are canvases: paintings of Ales Pushkin, Artur Klinav, Tatsiana Markavets, drawings of Aleh Karpovich, Lew Talbuzin, installations of Ales Pushkin, Lew Talbuzin and Alaxei Marachkin, a sculpture by Mikhail Inkow... The exhibition of the banned works of art lasted for 10 days, till December 20

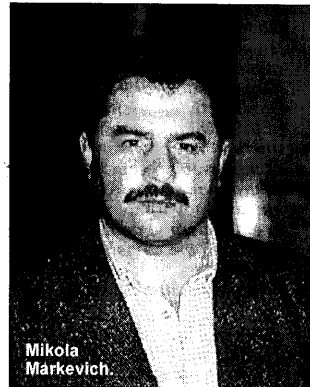


Valery Mazynski taking the floor.

MIKOLA MARKEVICH:

«PAHONIA» NEEDS YOUR SUPPORT!

CThe state, which has developed its skills in fighting its own people, continues to illegally persecute the independent press in Belarus. «The Right to Freedom» repeatedly informed the readers about various attempts of the authorities to prevent the newspaper «Pahonia» from being published. Mikola Markevich, the editor-in-chief of this popular Hrodna newspaper gave an interview to our bulletin. He told us that Lukashenka, using the local authorities, fought an unfair battle against the newspaper and its journalists. Since May 2001, KGB has joined the local authorities and police in persecuting «Pahonia». They had nothing on «Pahonia». But that didn't put them out of countenance. According to the sword-law, taking the law into their own hands, the regime banned the newspaper «Pahonia». However, in spite of all unlawful actions of the authorities, the journalists keep on working. The editor-in-chief Mikola Markevich comments on the recent events to our bulletin:



Mikola
Markevich.

– So why is the regime afraid of «Pahonia»?

– Since Lukashenka got power, our newspaper has become the object of various attacks from the local authorities and the so-called law-enforcement bodies. Probably, the very word «Pahonia» (the name of the National Emblem banned by Lukashenka), the Belarusian language we use, our position of principle, our views did not let the regime have a minute's peace. Certainly, the local authorities are just lackeys who are diligently executing the president's order. KGB agents, eager to distinguish themselves in fulfilling the commands from the top, have been keeping «Pahonia» under close control since May, 2001. They have been doing everything possible to intimidate us, to upset our routine, and finally, to close the «stubborn» newspaper. They had no legal basis to close us. We have never done anything illegal and do not do. In contrast to the authorities, who, at first, tried to use unclear references to some ostensible formal violations, committed by «Pahonia», as a cover. After their attempts to stain the good name of «Pahonia» proved to be unsuccessful, they turned to direct and solely anti-constitutional actions.

– You mean the criminal charges against «Pahonia», brought on September 5, just before the presidential election?

– Yes. At the same time they seized issue № 36, which was supposed to come out on the very eve of the election. The Press Law says that it is possible to confiscate the print-run or part of it only on the ground of the court decision. But there was no trial whatsoever! The news, that the whole printing of the issue had been arrested, came out of the deep blue sky! This fact confirmed again, that our newspaper was under very strict control. Moreover, not only did the journalists and the printing-house staff know the contents of the confiscated issue. What's surprising is the prosecutor was well informed about it! It's not the matter. How he managed

to do that. The matter is that censorship of the mass media is prohibited by the Belarusian Constitution!

– It seems that it is possible only in Belarus to be accused of breaking a law, on the grounds, which completely ignore the legislation...

– Since September the authorities have attacked «Pahonia» with double energy. The similar thing occurred to issue №37. The print-run was seized in the printing-house. The police also withdrew information from the office computers. They confiscated the money from our account and even the newsprint from the storehouse. In spite of the fact, that «Pahonia» is an officially registered edition!

I should mention the Press law again, which provides for inadmissibility of impeding legal activities of the legally registered mass media. If anyone puts obstacles in the way, they should bear criminal or administrative responsibility. The authorities dare to unscrupulously break the law. They cannot but break the legislation. This is the essence of Totalitarianism: not to protect the citizens, and not to work for the welfare of the people, but to do everything possible to keep the regime in power. In a normal country the law is a core which holds everything else: national policies, economy, human rights, etc. In Belarus it is the other way round.

– In one word, the Press Law rests on its oars, to say the least of it?

– This is not the Law on the press, this is the law against the press. Figuratively speaking, we were playing chess with the state, trying to keep to the existing rules. But, after one of our moves, the state, not burdening itself with moral and ethical reasoning, struck us a heavy blow with the chess-board.

– Nevertheless, «Pahonia» did not lose its readers.

– Yes, «Pahonia» can be read in the Internet. I still cannot say that we are just as effective in the web as we were as a printed periodical. But we are making a lot of effort to improve. I am sure, in some time, we'll get to a proper

level. First of all, I mean making «Pahonia» on-line, covering the events in a few minutes after they have occurred... At the same time we are working on a concept of a completely new edition. A legally registered one. But the authorities throw a lot of obstacles in our way. They do everything possible to prevent any new independent edition from appearing. S. Anishchuk, Deputy Head of the Hrodna city administration, has «loved» «Pahonia» for a long time. I am sure he personally would do everything in his power to prevent the independent newspaper from reaching its readers. The officials abuse their power by treading the truth under foot. They consider it their prime duty.

– Where can one find «Pahonia» on the web?

– We have two mirror-sites: www.pahonia.promedia.minsk.by and www.pahonia.com. We have kept our journalists. We are covering the most interesting issues. Every day we publish several articles. In the Belarusian rating of the Mass Media sites we are anywhere between 10 and 15. By the way, the only thing the authorities failed to confiscate is our editorial office. It belongs to the newspaper founder: NGO «Batskawshchyna» and the Hrodna branch of the Belarusian Language Society. We really enjoy effective support of these NGOs.

– Generally, do you feel you are left to solve your problems alone?

– No. We receive a lot of moral and material support from our fellow-journalists, and from our readers. Unfortunately, the third sector – NGOs keep silent. Why are they afraid to express their point of view – about everything what happened and is happening in the country? Indifference to everything and to everybody – this is the thing which plays the mischief of us. Meanwhile, anyone can find oneself in a similar situation.

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ECHO

The Bulletin of the Human Rights Centre «Viasna»

4 THE RIGHT TO FREEDOM

VALUABLE EXPERIENCE

MEMBERS OF THE HUMAN RIGHTS CENTER «VIASNA» PARTICIPATED IN THE HUMAN RIGHTS SCHOOL IN SWEDEN.

On November 30 – December 7 young members of «Viasna» from Minsk, Barysaw and Mahilow visited Stockholm, on the invitation of our long-term partner – Swedish organization Svenska Freds (Organization for Peace and Arbitration). The Belarusian human rights activists visited Sweden within the framework of the joint project «Youth School of Human Rights», the first part of which was implemented in April at the time of the Swedish activists' visit to Belarus. The aim of the second stage of the project was to learn about governmental and non-governmental institutions and their functioning in a democratic political system. The Belarusian group consisted mostly of the «Viasna» lawyers, that is why special attention was paid to the legal aspects of human rights organizations' work and their cooperation with the state bodies.

The representatives of the still young human rights movement in Belarus were especially interested in the story of Jens Petersen, who talked about the history and the recent activities of Svenska Freds. Obviously, more than a hundred year experience of the organization, which was founded in 1883, cannot be directly transferred to Belarus, just as our country cannot adopt the Swedish model of a social-democratic society in a moment. But their experience can be useful not only in the far future – Belarusian NGOs should take it into account as an example of purposeful and efficient work.

Svenska Freds, founded by the Nobel Prize winner of 1908, publicist and MP Klas Pontus Arnaldson, was created with a specific aim: to prepare the Swedish society for peaceful and placid separation of Norway from Sweden. During this time the urge towards independence in Norway, which had been part of the Swedish Kingdom since 1815, aroused strong feelings among some Swedes, who wanted to keep the union by any means, even by military power. But in 1905, when Norwegian Parliament voted for independence, separation, which was inevitable anyway, went peacefully and non-violently.

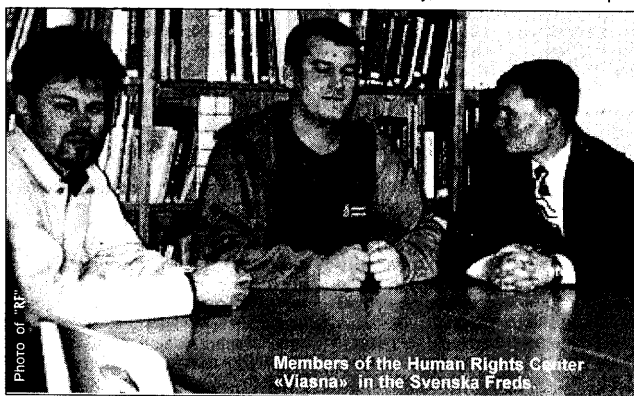
It was the activity of Svenska Freds, the subject of intergovernmental arbitration, that ensured this course of events. At present Svenska Freds also works in the field of international arbitration, participates in the disarmament movement, fights against personnel mines and supports democracy development in Eastern Europe. Svenska Freds is partially financed by the Swedish government, that is another proof of a high prestige of the organization.

Svenska Freds has a special Eastern Group (about 10 people), which deals with contacts with NGOs from Central and Eastern Europe. The representatives of the Eastern Group visited Belarus a few times, on the invitation of the Human Rights Center «Viasna».

Swedish Helsinki Committee is another Swedish partner of «Viasna». The Belarusian participants met Robert Hard, its Secretary General, who told them about their work in the field of human rights on the Balkans, in Belarus and in Sweden, and about

The Belarusians also enjoyed interesting conversations with the journalist and analyst Torgny Hinema, and members of the lawyer group of a Amnesty International branch of. It was especially interesting to meet Osa Berglund, the secretary of Forum Sud, an organization which distributes the funds provided by the Swedish government for the development of civil society in other countries. We really felt the sincere interest of the Swedes in the Belarusian situation and possible activities, which could change the situation for the better.

Besides learning about the third sector organizations, the time we spent learning about governmental institutions proved to be very useful. For instance, it was very interesting to visit the «Kronaberg» detention center. It is the biggest investigation ward in the country, which can receive up to



Members of the Human Rights Center «Viasna» in the Svenska Freds

their cooperation with the European structures and the Swedish government. The Belarusians also shared their information about the situation in Belarus: they touched upon such topics as actions in defense of Kurapaty, the criminal case of professor Bandazhewski, disappearance of the well-known people in Belarus, the difficulties which Belarusian human rights organizations face.

The Belarusian delegation met the Press Officer of the Swedish Non-governmental Human Rights Foundation Anna Vigenmark, who told them about their work in Africa and Latin America. In their own country they have a lot to do, as well. The Foundation deals with spreading information, forming public opinion and preparation of the so-called «alternative» reports about the human rights situation in Sweden, which are used by the international organizations (for instance, the alternative report for the International Conference on Fighting Racism).

300 people. In contrast to a Belarusian investigation ward, in «Kronaberg» the prisoners are treated as not guilty; they are still waiting for the trial, which will show if they are guilty or not. That is why the conditions in «Kronaberg» are quite decent: «cells», single ones, are more similar to rooms in an average hotel, good food, TV, newspapers, possibility to phone home, etc. To put it short, the prisoners have good living conditions, except for the fact, that they are really isolated from society. This way, «Kronaberg» is only implementing the court decision of arrest for the period of investigation. In Belarus, for example, «Valadarka», with its inhuman conditions, becomes a means to «knock out» the needed evidence during investigation. Having Belarus in mind, it was strange to hear about the claims of the European structures: for me it sounded paradoxical, but «Kronaberg» did not meet the requirements of a ventilation and air conditioning system... Maybe it is really true, but comparing this to

the conditions in Belarusian prisons... It should be mentioned that, unlike Belarusian legislation, the Swedish Criminal Code of Practice does not provide for the maximum term of isolation before the trial. But, in practice, even a person, charged with murder of Prime Minister Ulf Palme, was under arrest a little over 2 years before the trial. In Belarus people often wait longer for the trial – and in really inhuman conditions.

We also had a meeting in the Ministry of Foreign Affairs, with its secretary Stefan Gulgren, who deals with the contacts to the European countries of the CIS. He informed the Belarusians about their official position on Belarus, which appeared to be completely similar to the policy of the European Union. European countries will further limit their contacts with the top officials of Belarus, but will actively facilitate the cooperation on the «third sector» level. This means, for instance, that the president of Belarus will not be able to officially meet with the heads of the European Union countries – he would be received only on a Ministry level. Appropriately, the Minister of Foreign Affairs of Belarus would not be received by the European Ministers – only by their deputies and department heads. So, the policy of the European structures towards Belarus stays unaltered.

We have also visited the Swedish Parliament, where we had a chance to learn about the parliament procedures of this representative body, which was created 500 years ago.

The meeting with the judges of the Stockholm city court was very interesting and productive. The long discussion on the issues of constitutional advance in the developed democracies and in transitional countries showed the principal unity of opinion of the lawyers from both parties.

Unfortunately, the third part of the School was not implemented – the organizers had invited Mr. Khvastov, the Belarusian Minister of Foreign Affairs, to deliver a lecture for Belarusian participants. But Mr. Khvastov refused to visit Sweden, referring to some extraordinary business in Belarus.

Even without Mr. Khvastov, the program really raised the professional level of «Viasna» members. We successfully fulfilled our educational aim – we have got a lot of knowledge and experience, which will enable us to be more efficient in our work here, in broadening the human rights movement and in facilitating the democracy principles in Belarus. The communicative aim has been achieved as well, having established very important contacts with the Swedish organizations.

We were very happy to participate in the Youth School of the Human Rights and to receive a very valuable experience which will be very useful for us here, in Belarus.

Yury CHAVUSAW.

«PAHONIA» NEEDS YOUR SUPPORT!"

(continued from page 3)

If we don't learn to be together, to defend and to support one another, they will do away with us, one by one!

– Is the Internet «Pahonia» secured from persecution?

– Certainly not! Everything is possible in Belarus. Now they sped up the completion on the new amendments to the Press Law. I do not exclude the possibility that our authorities, having adopted the «progressive» Chinese methods, would introduce the obligatory registration of the web-sites. This way they would have another formal reason to wipe us off the face of the earth. You may remember how the authorities turned off all opposition web-sites on the Election Day. Luka'shenka would do everything to keep the power. He is just not interested in anything else besides that. I repeat, if we keep silent and put up with it, they will ruin all of us – one by one!

Using this interview, I want to appeal to Belarusian citizens, and to the international community: let us help each other, let us not be indifferent to each other in our fight for freedom, for our rights. My fellow-countrymen, do express your opinion! Not even in support of «Pahonia». But in order to protect the truth and the freedom. If you keep silent now, you might be the next ones!

On December 10 «Pahonia» filed a complaint to the Supreme Economic Court of Belarus. We demand canceling of the illegal decision to close the newspaper. Please, do support us with your letters, send it to the state bodies. When we are together – we are a force, when we are separate – we are in trouble. Here are the addresses we need you to send letters to:

Prosecutor General of Belarus:
Sheiman, Viktor U.
220050, Minsk, GSP,
vul. Internatsyjanalnaja, 22

the Supreme Economic
Court of Belarus:
220050, Minsk, vul. Valadarskaha, 8

the head of the Supreme
Economic Court:
Kamiankow, Viktor S.

The Administration
of the President of Belarus:
220010, Minsk,
vul. Karla Marksa, 36
president: A.G.Lukashenka

«Pahonia» is with you, Belarusians!
«Pahonia» is for you! Let's be together!

Prepared
by Ales HARKUN.

P.S. On December 13, Mikola Markevich, editor-in-chief of the recently closed independent newspaper "Pahonia", was fined 50 minimal wages (about 300 USD). This decision was made by Dzmitry Dzemchanka, judge of Lepinski district court, Hrodna. Mikola Markevich was fined for participation in unauthorized picketing on November 19, in protest against the closure of "Pahonia".

Markevich pleaded not guilty. Commenting on the court decision, he emphasized that the Constitution guarantees the right to protest against illegal actions of the authorities. "The authorities created anti-constitutional laws and judge their political opponents on that basis. This is evidence of the authorities' amorality", — says Markevich. Let us remind you that on November 26 the same judge (Dzmitry Dzemchanka) issued an official warning to the journalists Andrzej Pisalnik and Pavel Mazhejka for participation in the same picket.

P.P.S. «The Right To Freedom» presents a few articles from «Pahonia» web-site on page 8. This way we would like to let you have a closer look at the recently closed newspaper and to express our support to the journalists who continue to fight for the freedom of speech, for the right to do the work they love, and for the right to express their own opinion...



On December 10, NGO «Legal Assistance to Public» conducted an action dedicated to the Day of the Universal Declaration of Human Rights.

№23(95)

CHRONICLE

The Bulletin of the Human Rights Centre "Viasna"

6 THE RIGHT TO FREEDOM

EVENTS FACTS COMMENTS

(Continued from pages 1)

On December 5 the Ministry of Justice confirmed that Alexander Lukashenka violated the Constitution. V. Mitskevich, deputy Minister of Justice writes: «Presidential Decree № 19 dated 12.01. 1998 was not published in the official sources of legal information, because it is a normative act and has limited access». However, Article 7 of the Belarusian Constitution states: «Normative acts of the state bodies are published in newspapers and by any other legal means». According to the U.S. News agency, it is probably this presidential Decree, which orders to create a special squadron, the so-called «Death Squad». The agency refers to the information from the sources in the Lukashenka administration.

On December 6 Minsk district investigators started a criminal case on vandalism in Kurapaty. The so-called «Clinton's bench» was ruined by unknown vandals. The memorial had been built during Bill Clinton's visit to Kurapaty. The investigators came to the headquarters of the Belarusian Popular Front and interrogated several members of the party and the leader of the Young Front Pavel Seviarynets as witnesses. The police were interested in the opinion of Kurapaty defenders about this barbaric action. It is worthwhile to mention that the police started to tackle the criminal case 3 months after the memorial had been destroyed. Minsk city police have also become unexpectedly active in the investigation of the Kurapaty case.

On December 9, the people in many Belarusian towns conducted actions within the framework of the «We Want to Know the Truth!» campaign celebrating the Day of Universal Declaration of Human Rights. Active participants of the events were detained in Hrodna and Brest. In Hrodna about 30 people participated in the event which lasted for about 40 minutes. The police suggested the group break up. In the end the police detained **Zmitser Karpenka**, a UCP member and **Sviatlana Nekh**, a member of the Belarusian



On December 9 the well-known politicians, political parties and youth NGOs representatives took part in the «Chain of Concerned People» within the framework of «We Want to Know the Truth!» campaign.



Social Democratic Youth «Maladaya Hramada». In 1,5 hours the detained were released, the police did not draw up reports. In Brest about 30 people participated in the action. 40 minutes after the action began, Kregel, deputy head of Leninski district police department, ordered the detention of the participants. The people resisted, they would sit down on the ground and wouldn't move. The police took 12 people to the station: **E. Karpiuk, M. Klimovich, M. Mikaluk, S. Kazlow, M. Kazimirchik, V. Barbulin, U. Malei, I. Vialichkin, R. Antaniuk, P. Panasiuk, H. Samoilienka, and Alekseyevich**. The police drew up reports by the terms of Article 167 Part 1. Three people were also accused by the terms of Article 166 (insubordination to the police). All the detained were released at 6.30 p.m. In Homel from 3 to 4 p.m. the members of the «Viasna» Homel branch, the Belarusian Popular Front, and the youth organizations «Hart» and «Zubr» conducted an action «The Chain of Concerned People. About 50 people took part in the event. Homel police observed the action. The police did not detain the action participants, though the action wasn't authorized.

On December 10 the Barysaw Branch of the Human Rights Center «Viasna» organized an event dedicated to the Day of the Universal Declaration of Human Rights. About 10 members of «Viasna», the Young Front and Zubr went to the town center, distributing copies of the Declaration and «The Right to Freedom» bulletin. No people were detained.

On December 10 Navapolatsk «Viasna» organized a number of actions to celebrate the Day of the Universal Declaration of Human Rights. The representatives of the Navapolatsk Branch of «Viasna» congratulated the people living in Navapolatsk, Polatsk and area on the Human Rights Day via local TV. Two local TV channels: the cable channel «Vektar» and the regional TV studio «Kvant» broadcast the congratulations. Several «Viasna» and «Young Front» activists conducted a poll in Navapolatsk. The activists suggested the passers-by answer a questionnaire about the Declaration and congratulated them on the Day. The results of the poll are quite interesting. Most of the people questioned more or less knew what the Universal Declaration of Human Rights was about. However, only 7%

remembered the year it was adopted. 17.8% think the Universal Declaration is significant for their lives, 25% - it does not have much significance, and 39.28% — no significance at all. The following answers were given to the question «To your mind, are your rights safeguarded?»: 57.14% of the people said «no», 10.7% said «partially», and 25% said «yes». The next question was: «In your opinion, who is supposed to defend your rights?». 46% of people said «the state», 10.7% — «court», 10.7% — «the President», only 3% said «local authorities». 15% of people said they are to defend their rights themselves.

On December 13 Minsk regional Court considered the complaint of the teacher **Alexander Alakhnovich** against the decision of Krupki Area Court. Andrei Alakhnovich, a teacher of Krupki School #1 had been fired for involving 2 students in the election campaign, and having given them stickers to distribute. The official version is violation of Article 47.3 — «an immoral action incompatible with teacher's profession». Andrei Alakhnovich sued Krupki Area Department of People's Education (ADPE) concerning his reinstatement in the employment. His advocate is sure that he has been fired for political views, without any legal reasons. Krupki Area Court (Judge Vasil Pankratav) refused to satisfy Andrei Alakhnovich's suit. Minsk regional Court decided to back their colleagues in Krupki. The ruling was to leave the previous decision in force. Andrei Alakhnovich is going to file a complaint to the Supreme Court.

On December 13 Pershamaiski district court partially satisfied the suit of **Anatol Labedzka** against the film director Yury Azaronak, the author of the «Secret Springs of Politics» serial. Anatol Labedzka accused Belarusian TV and Radio Company and Yury Azaronak of libel and insult of his dignity at the beginning of summer 2001. On December 13, both Yury Azaronak and the chief lawyer of the Belarusian TV were present at the trial. Judge Leand Yasinevich was hearing the case. Anatol Labedzka brought in a libel action as a result of the following story shown in the «documentary» «Secret Springs of Politics»: allegedly Anatol Labedzka and his party colleagues crossed the Belarusian-Polish border and

brought back a certain sum of money; Labeledzka's fortune ostensibly increased by 8.5 thousand US dollars. Anatol Labeledzka: «Azaronak did not present any proof for his words. He just generally said that he did not want to offend me and did not consider me offended. When asked, why he had chosen me as his target, Azaronak said that I was the only Belarusian opposition leader who was organizing national-political events. Practically, he confirmed the fact that there had been a political will to create a negative image of several opposition politicians». The court ruling was the following: Belarusian TV Channel should publicly apologize to Labeledzka and pay a fine of 600 thousand Belarusian roubles (about \$400). Yury Azaronak should pay a fine of 400 000 roubles (about \$250).

On December 13 Chyhunachny district court continued the hearings of the administrative case against **Siarhei Adzinets**, the chairperson of the youth center «Hart». He is accused of having violated Presidential Decree #8: «On some measures to improve of the procedures of receiving and using foreign grants». Let us remind you, on August 10, in the middle of the election campaign, Homel KGB searched the «Hart» office and confiscated all the office equipment (the total cost of approximate \$4000). The search and the confiscation were conducted under a criminal case, started by Homel KGB Board. The criminal case was started on the fact of «anti-presidential» slogans, which appeared on the walls of the town. Later the criminal charges were dropped. But KGB refused to return the confiscated office equipment. The State Taxation Committee, basing on the KGB information, conducted a financial audit of the «Hart» activities, and stated that the equipment was used not for the declared purpose, but for organizing «Independent Monitoring» campaign. This very fact is a violation of the Decree. In this case the equipment is subject to confiscation. The proof presented by Leonid Sudalenka, the lawyer of «Hart», was not paid attention to. Judge Hanna Novik appointed the next court session for December 20 and requested the materials of the criminal case, which had been dismissed before.

**Information
Department of the Human
Rights Center «Viasna».**

APPEAL FOR PARDON REFUSED

Alexander Lukashenka refused to grant a pardon to Professor Yury Bandazhewski, who had appealed for pardon a month ago.

Yury Bandazhewski received an official refusal in a Minsk penitentiary where he has spent 5 months. Bandazhewski is now serving his term on the conviction of bribe taking. The family of Bandazhewski says that the reply from Lukashenka's office is «very laconic, just informing that the appeal is not satisfied. There are no explanations whatsoever».

Commenting on the refusal to RFE/RL, lawyer Siarhei Tsurko reminded the listeners, that Bandazhewski pleaded not guilty in court, and did not acknowledge his guilt in the appeal for pardon. Tsurko does not exclude, that this fact impacted the decision of Lukashenka.

«When in August the Ambassadors of the EU countries interceded with the Ministry of Foreign Affairs for Bandazhewski, they were told: «What's the problem? There is no appeal for pardon written by Bandazhewski. When we have it, we'll consider it». And now we see how they considered it... I don't know why they made such a decision. Most probably, these are the regular games the authorities like to play», — thinks Siarhei Tsurko.

Almost simultaneously Yury Bandazhewski received a reply from the Supreme Court, where he had filed a complaint about the sentence. The Supreme Court did not show a wish to re-consider

Bandazhewski's case and left the sentence unaltered.

Meanwhile, Bandazhewski's lawyers insist that the professor is not guilty. They declare that the court hearings were conducted with violations: both formally and essentially. That's why, they think, the case should be reviewed.

Let us remind the readers that professor Yury Bandazhewski had been sentenced to 8 years of imprisonment — allegedly for bribe-taking. But the human rights activists and opposition politicians consider him just another political victim of the regime. Let us remind you that Bandazhewski was actively fighting against the official state policy over Chernobyl-related issues. In particular, in his research he managed to prove that the population of several districts which the state declares suitable for living, receives a deadly dose of radiation.

At the moment, according to lawyer Dzmitry Iva-

nishka, the UN Commission for Human Rights is supposed to consider Bandazhewski's complaint in Geneva. The lawyer states that the proper complaint has been filed. In case the UN Commission makes a positive decision, there will be a new formal ground to appeal to the Supreme Court asking to review the case of Bandazhewski.

Ex-pro-rector of the Homel Medical Institute Uladzimir Rawkow, convicted together with Bandazhewski, serves his sentence of 8 years of prison in the Shklow penitentiary. In the penitentiary, Doctor Rawkow, a qualified specialist, assists the local doctor and has a post of a medical orderly. According to his lawyer Dzmitry Ivanishka, Dr. Rawkow helps to treat ill prisoners: «A penitentiary is a penitentiary. There are many different people. Including people ill with tuberculosis and AIDS. Fractures, cuts and wounds occur very often. Dr. Rawkow has enough to do. Of course, it is better to be free. But Uladzimir Rawkow sends his greetings to everybody and hopes for justice». In December Dzmitry Ivanishka, also on behalf of Dr. Rawkow, sent a complaint to the UN Commission for Human Rights.

**Information
Department of the Human
Rights Center «Viasna»,
based on information of
Radio RFE/RL.**

CAPITAL PUNISHMENT MIGHT BE BANNED

Belarus is the only country in Europe which uses capital punishment. On December 10 Deputy Prosecutor General Alexander Ivanowski informed the mass media that 4 people were sentenced to capital punishment in 2000. This year such a sentence was passed for 4 people as well. Besides that, 18 people were sentenced to life imprisonment in 2001.

Meanwhile, the Chamber of Representatives of the National Assembly is preparing the hearings on the issue of banning the capital punishment. Ivan Pashkevich, a member of the parliamentary commission on human rights, ethnic relations and mass

media, said this to BelaPAN information agency. According to the information of BelaPAN, the idea to hear the issue in the Parliament has already been discussed on the meeting of the Council of the Chamber of Representatives and received support. Besides that, the idea is also supported by the head of the presidential administration Ural Latypaw. However, the issue is still not pre-coordinated with the President. If the decision to conduct the hearing is adopted, it is most likely to take place during the spring parliamentary session. It is planned to invite representatives of the Parliamentary Assembly of the Council of Europe and

representatives of OSCE.

Banning of the capital punishment is one of the conditions for the PACE to restore Belarus' special guest status. Another condition is creating a post of a human rights commissioner in Belarus. According to Valery Lipkin, it is planned that such a law proposal would be considered by the Chamber of Representatives in its spring session. Valery Lipkin says the proposal is practically ready for the hearing. However, one provision is arguable — who is going to have the right to appoint the commissioner. At present 2 versions are being considered: the human rights commissioner will be appointed by the president and ratified by the parliament or will be elected by the parliament in coordination with the president.

ПАГОНЯ

POLES FROM VAWKAVYSK ARE NOT ALLOWED TO VISIT POLAND

Vawkavysk district (Hrodna region) Education Board made a decision which prohibits the students, teachers and staff of the Polish School in Vawkavysk to visit Poland without prior consent of the local authorities.

Mikhail Matveichyk, Head of Education Board, writes in his letter to the school principal Ryszard Khudziak: «Vawkavysk District Education Board informs You, that any contacts with Poland, aiming at experience exchange, should in advance be agreed upon with the district and regional education boards, as well as with the district administration. Since December 1, 2001 any visits of students, teachers, and administration staff to Poland are prohibited without a special permission from all above mentioned authorities».

Now the members of the Union of Poles in Belarus which represents the Polish Minority in Belarus will have to inform the local authorities about a planned visit to Poland a month in advance, and to wait for the permission. Veslaw Kedlak,

vice-chair of the Union, considers this decision as pressure on the organization, and another attempt of the authorities to hinder the activities of the Union and to violate the rights of the Polish minority. According to Kedlak, it is not the first time that the authorities have tried to hinder the Union's activity. In Vawkavysk the head of Vawkavysk administration banned the conference on the new teaching methods which was supposed to be held in the Polish House. He motivated his actions saying that only official authorities have the right to conduct such conferences. In Voranava, the town, where many ethnic Poles live, local officials do not give permission to create Polish speaking groups in the local school. The Polish Embassy in Belarus is already informed about the recent events in Vawkavysk. Tadeusz Krukowski, who is in Warsaw at the moment, informed the Polish public about the new facts of violation of the ethnic minority rights by the Belarusian authorities.

BARCNEWS.

IT COSTS AT LEAST 1000 DOLLARS TO PRAY IN BELARUS

A prayer cost 150 minimal wages (about \$1000) for Dzmitry Ivanowski, an artist from Hrodna. He was fined for organizing an unauthorized rally, which, according to the police and to the judge, had taken place on November 29, in Hrodna.

Let us remind you that on November 29 about 200 people gathered for the event dedicated to the anniversary of Viatut Catholic church which had been ruined 40 years ago. Originally, it was planned to conduct a requiem meeting in memory of the ruined church on the place where the church had been situated. The organizers planned to name the meeting «There is no future without history». However, the Hrodna authorities refused to give permission for this meeting, referring to the inadmissibility of a meeting named like that. The organizers were informed about

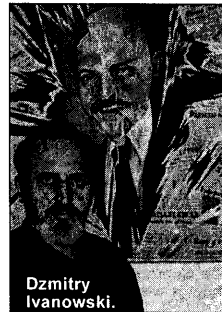
the decision of the authorities only one day before the planned day of the meeting, that's why they didn't have enough time to spread that information about.

Trying to avoid the possible repression, Dzmitry Ivanowski addressed the participants, underscoring the fact, that «there will be no meeting here». Attempting to deter aggression of the participants towards the policemen, Ivanowski went into detail about the reasons and motives of the refusal, and suggested that the participants should «pray for the Belarusian Sacred Places».

Judge Yarashевич saw the features of a «meeting» in a call to pray. The policeman, who gave evidence against Ivanowski, saw sedition in the prayer itself: «After Ivanowski called on everybody to pray, they had discussed something silently for 10 minutes and started to pray only after that». The thing, that Captain Nemer called «a prayer», in reality was the song «Omnipotent God», which was sung after a 10-minute prayer.

This way, now we have a precedent of administrative prosecution (with quite a big fine in the end) for a call «Let's pray!» and directly for «organizing» a prayer.

Dzmitry Ivanowski is currently unemployed. He has 2 daughters, one is under age. The family income is only 150 000 roubles (\$ 94) a month, which is earned by the artist's wife who works in a kindergarten.



Dzmitry Ivanowski.

SMARHON AUTHORITIES ARE AFRAID OF INDEPENDENT NEWSPAPERS

The Hrodna regional economic court refused to consider the suit against Smarhon Executive Board. Romuald Ulan, the founder of «Novaya Hazeta Smarhoni» (The New Newspaper of Smarhon) was going to sue the Smarhon Executive Board for not giving him permission to publish 2 more independent newspapers in Smarhon.

The court motivated its decision by the fact, that the decision to refuse permission was taken personally by Stanislaw Yurgel, the head of the Board. According to the legislation, it should have been taken by the Board itself.

Since July 2001 Smarhon

authorities have not been giving permission to Mr. Ulan to register 2 new newspapers in Smarhon – «Novaya Hazeta Astravetsa» and «Novaya Hazeta Ashmianaw». Romuald Ulan is the founder of the newspaper «Novaya Hazeta Smarhoni» which circulation is 3 times as big as that of the official district newspaper. Mr. Ulan was planning to temporarily publish 2 new newspapers in his Smarhon office with the help of journalists from Ashmiany and Astravets.

However, in their private talks with Ulan, the local officials mentioned that they have enough problems with the current newspaper. That's why

new newspapers would be «just another pain in the neck which they want to avoid». Only after numerous official appeals to the local town Board, Romuald Ulan received an official reply signed by Stanislaw Yurgel, the head of Smarhon Board. Mr. Yurgel qualifies registering the new periodicals as not expedient.

Mr. Ulan is recommended to apply to the Board which are responsible for the area, where the newspapers are supposed to be distributed. But the Ashmiany and Astravets authorities refused to register the newspapers as well. Their arguments are the same: inexpedient. Local population

receives enough information from the official newspapers, they say.

At first Mr. Ulan filed a complaint to the Hrodna regional Board, but to no results. Finally, he applied to the Hrodna regional economic court. It turned out during the hearing that only the Board (not the head on his own) is capable of refusing the founder registering a newspaper. Romuald Ulan could, at least, be glad, that the court fee would be paid by Smarhon officials. At the present moment he is left to wait for the official decision about his newspapers to be made by the Executive Board.

Mikhas Karnevich.